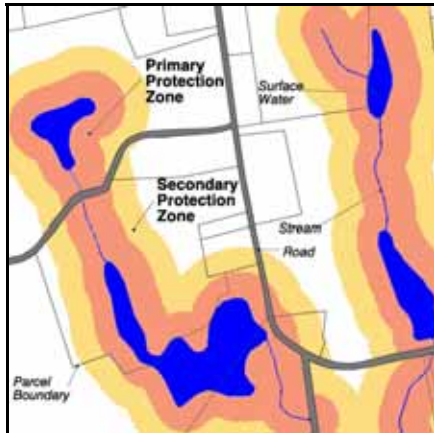


The Watershed Protection Act

The Watershed Protection Act (WsPA), MGL ch. 92, §107A/350 CMR 11.00, regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds in order to protect the quality of these drinking water sources. Administered by the Department of Conservation and Recreation, Division of Water Supply Protection, Office of Watershed Management, WsPA applies only in towns in these three watersheds. **See the back of this brochure for names of towns affected by the Watershed Protection Act.**

Protected Zones and Restrictions

Two distinct areas are protected under the WsPA. **The Primary Protection Zone** is the area 400 feet from the edge of the reservoirs and 200 feet from tributaries and surface waters. Any alteration, as well as the generation, storage, disposal or discharge of pollutants are prohibited in the Primary Protection Zone.



The **Secondary Protection Zone** is the area between 200 and 400 feet from the banks of tributaries and surface waters, on land within flood plains, over some aquifers, and within bordering vegetated wetlands. Certain activities are specifically prohibited in the Secondary Protection Zone, including outdoor, uncovered storage of manure. See 350 CMR 11.04 for a complete list of activities prohibited by the Watershed Protection Act

Horses and Drinking Water

The rural landscape of central Massachusetts has long supported horse ownership. Horse manure, however, contains nutrients that impair water quality and can contain pathogens that are potentially harmful to humans. Horses also have the potential to alter the run-off characteristics of the landscape, increasing the ability of pollutants to enter the drinking water supply. The Watershed Protection Act established protective buffers to help keep these contaminants out of the metropolitan Boston drinking water supply.

Horses and the WsPA

Horses can be pastured in the Primary Protection Zone, although they can not over-graze an area and thus create an “Alteration.” *Please note, however, that State drinking water regulations do not allow stabling, hitching, standing, feeding or grazing within 100 feet of a tributary to a drinking water supply.* The WsPA does not allow the construction of a new structure, such as a barn, shed or fence, in the Primary Protection Zone unless an exemption is identified or a Variance is granted upon the owner demonstrating that the proposed work will not have an impact on water quality.

The Watershed Protection Act allows pasturing of animals in the Secondary Protection Zones. Some of the limits to working in the Secondary Protection Zone include: the total area of impervious surface, the outdoor storage of chemicals, and alterations to Bordering Vegetated Wetlands.

Outdoor uncovered storage of manure is not allowed by the WsPA in either the Primary or Secondary Protection Zone.

Watershed Protection Act Exemptions

There are two exemptions to the Watershed Protection Act that a horse owner may possibly qualify to utilize.

350 CMR 11.05(2) allows for the “reconstruction, extension or structural change” to any structure lawfully in existence as of July 1, 1992. If an owner can demonstrate that a structure, such as a barn or paddock, existed as of July 1, 1992, then work can be done on it, as long as the construction “does not cause a substantial change and degrade the quality of the water in the Watershed.”

350 CMR 11.05(7) provides an Agricultural Use exemption. The WsPA utilizes the definition of “Agricultural Use” found in the Wetlands Protection Act (310 CMR 10.04). In order to obtain this exemption the land owner must provide proof that horses are actively being bred and raised for commercial purposes.

Please contact the appropriate DCR field office, as identified on the back of this brochure, if you have questions concerning the WsPA, exemptions, or variances. Additional information, including more detailed maps, are available on-line at www.mass.gov/dcr/waterSupply/watershed/wspa.html.

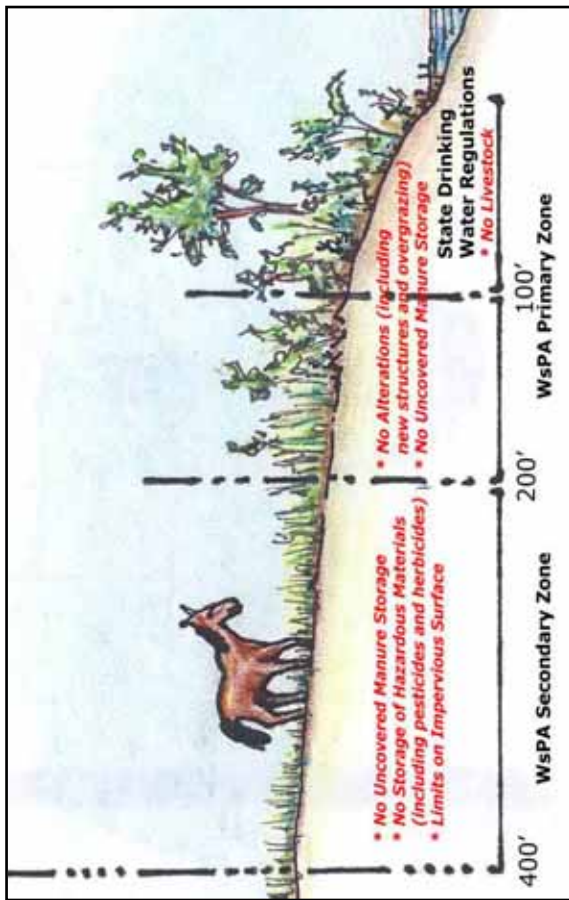
Other Laws that Affect Horses

Another section of the DCR Office of Watershed Management regulations, 350 CMR 11.09, does not allow anyone, in general, to degrade the quality of water in the Watershed System. 350 CMR 11.09(1)(b)2 states that, “no person shall construct, establish or maintain any agricultural facility or place where animal manure may be deposited or accumulated without adequate provision to prevent any manure or other Pollutant from flowing or being washed into the Waters of the Watershed System.”

There are other state and local laws not administered by DCR that affect horse owners:

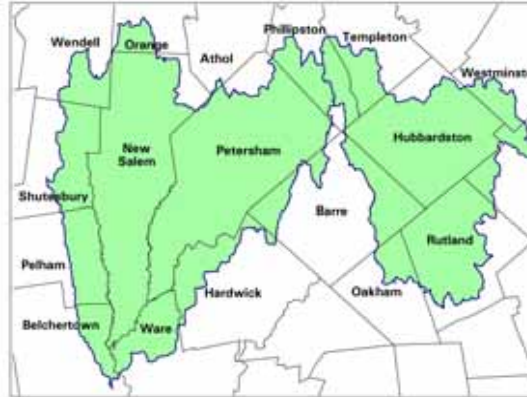
- State drinking water regulations, 310 CMR 22.20B(4), require that “No stabling, hitching, standing, feeding or grazing of livestock or other domestic animals shall be located, constructed, or maintained within 100 feet of the bank of a surface water source or tributary thereto.”
- The Wetlands Protection Act, 350 CMR 10.00, does not allow the alteration of bordering vegetated wetlands.
- There may also be local zoning and board of health regulations that could affect the location and management of horses.

Property owners should contact their local Building Inspector, Conservation Commission, and Board of Health to identify all pertinent local regulations for a particular community.



Regulatory setback requirements for horses and other livestock from tributaries to the Quabbin Reservoir, Ware River, and Wachusett Reservoir.

Regarding property in the shaded areas of these Quabbin Reservoir and Ware River watershed communities –



Contact: Department of Conservation & Recreation
Division of Water Supply Protection
Quabbin Reservoir Field Office
485 Ware Rd.
Belchertown, MA 01007
ATTN: Jeff Lacy
(413) 323-6921 x501

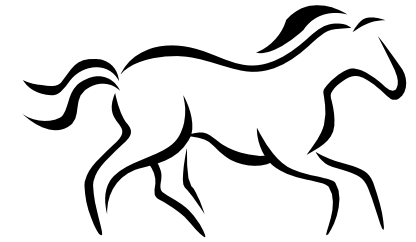
Regarding property in the shaded areas of these Wachusett Reservoir watershed communities –



Contact: Department of Conservation & Recreation
Division of Water Supply Protection
Wachusett Reservoir Field Office
180 Beaman St.
West Boylston, MA 01583
ATTN: Nancy McGrath or Bill Moulton
(508) 792-7423 x314 or x311

Information on the Watershed Protection Act is also available from the DCR website at www.mass.gov/dcr/waterSupply/watershed/wspa.html.

Horse Ownership and The Massachusetts Watershed Protection Act



How property owners with horses can meet the Watershed Protection Act regulations for land in the Quabbin Reservoir, Ware River, and Wachusett Reservoir Watersheds

Additional Information

Appropriate pasture siting, manure management, and other agricultural Best Management Practices (BMPs) not only help protect drinking water, they also contribute to animal health and safety. More information and assistance is available from several federal, state, and private agencies, including:

- Natural Resources Conservation Service
www.nrcs.usda.gov 413-253-4350
- MA Dept. of Environmental Protection
www.mass.gov/dep/water/resources/animal.htm 508-767-2792
- MA Dept. of Agricultural Resources
www.mass.gov/agr/animalhealth/equine 617-626-1700
- Massachusetts 4H
www.mass4h.org 800-374-4446
- New England Small Farm Institute
www.smallfarm.org 413-323-4531

Commonwealth of Massachusetts
Department of Conservation and Recreation
Division of Water Supply Protection
Office of Watershed Management

Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Ian A. Bowles, Secretary, EEOEA
Richard K. Sullivan, Commissioner, DCR

July 2007

